

UNITED STATES DISTRICT COURT

for the

Southern District of Georgia
Savannah Division

United States of America
v.

David Keith Banks

Date of Previous Judgment: March 28, 2000
(Use Date of Last Amended Judgment if Applicable)

Case No: CR499-00177-001USM No: 10214-021

Daryl Walker

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 40Amended Offense Level: 38Criminal History Category: IVCriminal History Category: IVPrevious Guideline Range: 360 to life monthsAmended Guideline Range: 324 to 405 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

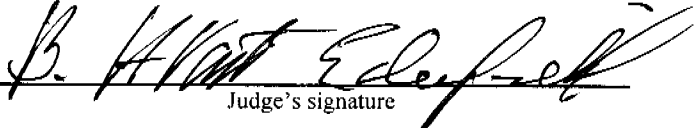
III. ADDITIONAL COMMENTS

The Court departed below the applicable guideline range at the time of sentencing and notes the sentence imposed, 325 months, is near the bottom end of the amended guideline range. The Court has considered the factors set forth at 18 U.S.C. § 3553(a) and concludes a reduction is not warranted in this case.

Except as provided above, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 9-9-2008


Judge's signature

Effective Date: _____

(if different from order date)

B. Avant Edenfield
United States District Judge
For the Southern District of Georgia
Printed name and title